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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,173	01/18/2002	Takeshi Tanimoto	020049	1344

23850            7590            10/10/2002

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EXAMINER

BRASE, SANDRA L

ART UNIT	PAPER NUMBER
2852	

DATE MAILED: 10/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/050,173	TANIMOTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sandra L. Brase	2852	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 29 July 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities.

The Summary of Invention is not considered to be clear and concise as required by M.P.E.P. 608.01(d), which states that the Summary of Invention should describe the subject matter of the invention in one or more clear concise sentences or paragraphs.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda et al. (US 5,327,339).

Takeda et al. (...339) disclose an image forming apparatus comprising: a photosensitive member (3) adapted to have an electrostatic latent image carried thereon; a developing unit (figure 6) including a developer carrying member (22) rotatable in a direction (b) against gravity at a point closest to the photosensitive member (col. 13, lines 26-30), and a cover for sealing a developer to be conveyed by the developer carrying member therein (figure 6), where the developer carrying member carries and conveys the developer stored in the cover to develop the

electrostatic latent image on the photosensitive member (col. 13, line 60; and col. 14, line 9-20); and a clearance regulating member provided so as to be free from contact with a surface of the developer carrying member, where the clearance regulating member regulates a clearance for an upper side of the developer carrying member, and it is inherent that the clearance has a width not smaller than the developing width on the developer carrying member (figure 6), wherein the clearance between the developer carrying member and the clearance regulating member is determined at a size not greater than a maximum height of the developer projected from the surface of the developer carrying member (figure 6). The clearance regulating member has a leading edge provided to be free from contact with the developer (figure 6). The developer carrying member is configured to have magnetic poles (23a, 23b, 23c, 23d, 23e). The clearance for the developer carrying member provided by the clearance regulating member is determined at a size not greater than a height of a magnetic brush of the developer at a magnetic pole just downstream of a clearance regulated position in terms of rotation of the developer carrying member, and at a size not greater than a gap between the developer carrying member and the photosensitive member (figure 6). A position where the clearance is regulated by the clearance regulating member is located between a magnetic developing pole (23b) and a magnetic pole (23d) located downstream of the magnetic developing pole in terms of rotation of the developer carrying member (figure 6).

*Response to Arguments*

4. Applicant's arguments filed 7/29/02 have been fully considered but they are not persuasive.

5. Applicant argues that the present Summary of the Invention is proper. However, 608.01(d) of the M.P.E.P. states the Summary of the Invention should be clear and concise, and the present Summary of the Invention is neither clear nor concise. The present Summary of the Invention is greater in length than the present Detailed Description of the Invention; hence the Summary of the Invention cannot even be considered a summary since it is longer than the section it is supposed to be a summary of. Therefore, the objection to the Summary of the Invention stands and Applicant must make the appropriate changes, where some of the material in the present Summary of the Invention section can be moved to the present Detailed Description of the Invention section.

6. Applicant further argues that Takeda et al. (US 5,327,339) do not disclose a clearance regulating member that regulates a clearance for an upper side of the developer carrying member; however, this is incorrect. Takeda et al. (...339) disclose a clearance regulating member which is located above the developer carrying member and regulates a clearance for an upper side of the developer carrying member, thus meeting the claimed limitations, as explained above.

*Final Rejection*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

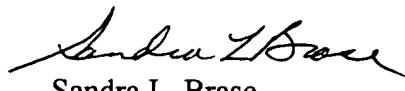
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contacts | Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (703) 308-0725.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Sandra L. Brase  
Primary Examiner  
Art Unit 2852

October 9, 2002